

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

MILLS EVON SMITH, )  
                        )  
Petitioner,         )  
                        )  
vs.                   ) Case No. CIV-10-0263-F  
                        )  
MIKE MULLIN, Warden, )  
                        )  
Respondent.         )

**ORDER**

This action seeks habeas relief under 28 U.S.C. § 2254. Petitioner appears *pro se* and his pleadings are liberally construed.

Magistrate Judge Gary M. Purcell entered his Report and Recommendation in this matter on June 28, 2010, recommending that the petition be denied. (Doc. no. 11.) Petitioner objected to the magistrate judge's recommended findings and conclusions. (Doc. no. 12.) Accordingly, the court reviews the matter *de novo*. After careful study of petitioner's objections, the Report, the record, and the relevant legal authorities, the court finds and concludes that it concurs with the magistrate judge's determinations. The court further finds that no purpose would be served by repeating the magistrate judge's determinations or by presenting any additional analysis here.

The Report and Recommendation of Magistrate Judge Purcell is **ACCEPTED**, **ADOPTED** and **AFFIRMED** in its entirety. Accordingly, the Petition for a Writ of Habeas Corpus is **DENIED**.

Dated this 5<sup>th</sup> day of August, 2010.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE